

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 24-12521-RGS

DARRELL JERMAINE SAUNDERS, JR.,

v.

CHARLES R. MATTHEWS,

ORDER

October 2, 2024

Plaintiff Darrell Jermaine Saunders, Jr. is a prisoner incarcerated at the Keen Mountain Correctional Center in Oakwood, Virginia. On September 16, 2024, he filed this action with the United States District Court for the Western District of Virginia by filing his self-prepared Motion for Injunction, which was entered on the docket as Saunders' Petition for Writ of Mandamus. Dkt. No. 1. Saunders also filed a motion for leave to proceed *in forma pauperis* with a copy of his prison account statement. Dkt. No. 2.

By Order, dated September 30, 2024, the case was ordered transferred to this district. Dkt. No. 3, Transfer Order, No. 7:24cv00634 (W.D. Va. Sept. 30, 2024).

Upon review of the pleadings, it is hereby ORDERED:

1. Plaintiff's motion (Dkt. No. 2) for leave to proceed *in forma pauperis* is ALLOWED. Saunders is not required to pay the \$52 administrative filing fee. Saunders may also proceed without prepayment of the \$350 statutory filing fee, *see* 28 U.S.C. § 1914(a), but because he is a prisoner, he is required to pay the fee over time. Pursuant to 28 U.S.C. § 1915(b)(1), the Court assesses an initial partial filing fee of ~~\$5.43~~. The remainder of the fee, ~~\$344.57~~, shall be collected in accordance with 28 U.S.C. § 1915(b)(2). The Clerk shall send a copy of the standard Notice to Prison form to the treasurer of the facility where Saunders is confined.

2. The Clerk shall issue a summons for service of the complaint and shall send the summons, a copy of the complaint, and this Order to the plaintiff, who must serve the defendant with these documents in accordance with Rule 4 of the Federal Rules of Civil Procedure.

3. The plaintiff may elect to have service made by the United States Marshals Service ("USMS"). If plaintiff chooses to have service completed by the USMS, he shall provide the agency with a copy of this order, all papers for service, and a completed USM-285 form for each party to be served. The USMS shall complete service as directed by plaintiff with all costs of service to be advanced by the United States.

4. Plaintiff shall have 90 days from the date of the issuance of the summons to complete service. Failure to complete service in a timely fashion may result in dismissal of this action without prior notice to plaintiff. See Fed. R. Civ. P. 4(m); Local Rule 4.1 (D. Mass.).

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE